

## **REMARKS**

This Amendment responds to the Office Action dated July 1, 2005. Reconsideration is hereby requested in light of the amendments and remarks.

Claims 1-10 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Pinard et al. (U.S. Pat. No. 6,647,103) (hereinafter Pinard). Claims 1 and 11-12 stand rejected under 35 U.S.C. 102(e) and 35 U.S.C. 103, respectively, as being unpatentable over Harris (U.S. Pat. No. 6,738,643) (hereinafter Harris). Claim 1 has been amended to add the limitation of "wherein said call control means comprises one of either a PBX or a call server." This limitation was substantially part of claims 11-12, which are now cancelled.

Applicants strongly disagree that the declaration filed on February 18, 2005 to overcome Harris was defective as the Examiner alleged. First, the evidence presented is sufficient to establish conception of the invention. While Applicants cannot tell from the Office Action what the Examiner believes is lacking in this regard, on paragraph 5 of the declaration the inventors provide a detailed mapping of each claim element from independent claim 1 to elements of the Invention Disclosure. This is sufficient to establish conception of the invention.

Second, the Examiner notes that conception "must be capable of proof...by a complete disclosure to another." In this regard, the declaration refers to Exhibit A, which is an invention disclosure statement that was disclosed by the inventors to the Mitel Patent Administrator who, in turn, disclosed the invention to the Canadian Patent Agent, prior to October 31, 2000.

Furthermore, the Examiner noted that the evidence submitted does not include printed dates preceding the Harris reference. There is no requirement that specific dates be shown in a declaration under 37 C.F.R. 1.131. Redacting specific confidential dates of inventive activity is permitted. Applicants have sworn that their conception precedes the Harris filing date of

October 31, 2000, and that they were diligent in constructively reducing it to practice on the filing date of January 27, 2001, and this is sufficient.

Applicants added the limitations of claims 11 and 12 to claim 1 because the inventor's declaration filed on February 18, 2005 is effective to overcome the rejections in view of Harris of these limitations. Claims 11 and 12 were rejected only in view of Harris, and therefore amended claim 1 which now includes the limitations of claims 11 and 12 should now be patentable over both Pinard and Harris because Harris is overcome by the declaration, and Pinard does not teach the added limitations. Accordingly, claims 2-10 and 13 should also be allowable because they depend on claim 1.

For the foregoing reasons, Applicants assert that the Examiner's rejections have been overcome. It is believed that the application, as now presented, is in condition for allowance.

Respectfully submitted,

JONES DAY



\_\_\_\_\_  
David B. Cochran

(Reg. No. 39,142)

Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7029